

STATE OF TEXAS
COUNTIES OF POTTER
AND RANDALL
CITY OF AMARILLO

On the 8th day of March 2011, the Amarillo City Commission met at 1:30 p.m. at City Hall on the third floor in Room 303 in the Conference Room for review of agenda items and consideration of future agenda items.

The City Commission met at 3:00 p.m. in regular session in the Commission Chamber located on the third floor of City Hall at 509 E. 7th Avenue, with the following members present:

DEBRA MCCARTT	MAYOR
MADISON SCOTT	COMMISSIONER NO. 1
BRIAN EADES	COMMISSIONER NO. 2
RONALD BOYD	COMMISSIONER NO. 3
JIM SIMMS	COMMISSIONER NO. 4

Absent were none. Also in attendance were the following administrative officials:

JARRETT ATKINSON	CITY MANAGER
DEAN FRIGO	ASSISTANT CITY MANAGER
MARCUS NORRIS	CITY ATTORNEY
KELLEY SHAW	PLANNING DIRECTOR
DONNA DERIGHT	CITY SECRETARY

The invocation was given by Jeff Geske, Prince of Peace Lutheran Church. Mayor McCartt led the Pledge of Allegiance.

Mayor McCartt established a quorum, called the meeting to order, welcomed those in attendance and the following items of business were conducted:

ITEM 1: Mayor McCartt presented the minutes of the regular meeting held March 1, 2011. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, and unanimously carried, to approve the minutes.

ITEM 2: Mayor McCartt presented an ordinance regulating the maximum rates and fees that may be charged for non-consent towing of motor vehicles from legally marked private property and for vehicles towed by participants in the City towing rotation program. Mr. Atkinson reviewed the changes to the ordinance. Mr. Frigo explained that the Texas Department of Licensing and Regulation (TDLR) sets the rates for the entire state but cities are not required to charge the maximum rate. He advised that the Morningside Report was prepared through a survey of cities to help set a maximum rate on private property non-consent tows. He stated that the rates determined by this report were less than the maximum fees recommended by TDLR. Mr. Frigo advised that the rates being recommended were determined by using the rates from the Morningside Report and TDLR. He stated that the recommended rates for private property non-consent towing are \$125 for light duty tows, \$143 for medium duty tows and the State maximum rate of \$450 for heavy duty tows. Mr. Frigo also advised that the recommended rates for the Police Department towing rotation are \$125 for light duty accident tows and \$110 for light duty non-accident tows.

Robert Runquist, 12118 LS Trail, Ricky Cantu, 305 S. Williams, Jean Steward, San Antonio, Texas, and Mike Pool, Odessa, Texas, appeared concerning this item. They asked the Commission to consider the TDLR maximum rates due to the difficulty and risk to the trucks when towing vehicles. It was noted that the last time the rates for private property non-consent towing were addressed was in 2002. It was stated that a larger increase than the City is recommending is necessary due to the economy and the increase in fuel. Mr. Frigo advised that the rates for the Police Department rotation tows were addressed two years ago. Commissioner Boyd stated that he would like the city to possibly consider a fuel surcharge due to the increase in fuel costs.

The Commission discussed voting on the two rates separately and it was decided that should be done. Motion was made by Commissioner Boyd, seconded by Commissioner Eades that the rates for private property non-consent towing be set at \$175 for light duty tows, \$200 for medium duty tows and \$450 for heavy tows. Voting AYE were Mayor McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

Motion was made by Commissioner Boyd, seconded by Commissioner Eades, that the rates for Police Department rotation tows be set at \$150 for light duty accident tows and \$135 for light duty non-accident tows, \$30 per 15 minutes after the first 15 minutes, and staff is instructed to provide information regarding a fuel surcharge at next week's meeting, and the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7270

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING THE MUNICIPAL CODE OF THE CITY OF AMARILLO, TO AMEND CHAPTER 10-3, ARTICLE VII REGARDING NON-CONSENT TOWING AND POLICE ROTATION TOWING; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING FOR CONTINUATION OF PRIOR LAW; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 3: Mayor McCartt presented an ordinance adopting certain provisions of the Texas Transportation Code, 545.425 and establishing prohibitions regarding the use of wireless communication devices in school crossing zones (school zone) during the times the school zones are in effect. Under the terms of the proposed ordinance, the use of wireless communications devices in a school zone shall be limited to certain exceptions such as public safety, emergencies, while stopped and with certain hands-free devices. Mayor McCartt asked Ellen Robertson Green, a member of the Traffic Commission and Traffic Commission Sub-Committee, to appear and advise the Commission on the actions of these committees. Ms. Green advised that they met with school officials and they are in favor of doing anything that will keep the students safe. She stated that the school officials asked that the signs will be placed at the high schools first and then move down to the elementary schools. She noted that the signs would begin to be in place and become effective August 15, 2011. Commissioner Eades stated that several bills have been filed with the legislature regarding cell phone use so we will be watching for any new laws that might be passed. Commissioner Simms stated that he is always in favor of safety for the children. He noted that we are limited by state law on the amount of the fine. Motion was made by Commissioner Eades, seconded by Commissioner Scott, that the following captioned ordinance be passed on first reading:

ORDINANCE NO. 7271

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF AMARILLO, TEXAS: AMENDING CHAPTER 16, ARTICLE IV OF THE MUNICIPAL CODE OF THE CITY OF AMARILLO, TO ADD DIVISION 6, SECOND 16-3-154, ENTITLED "USE OF WIRELESS COMMUNICATION DEVICES"; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEALER; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AND EFFECTIVE DATE.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 4: Mayor McCartt presented an ordinance calling the regular municipal election to be held on May 14, 2011. Commissioner Eades expressed concern with the wording of the two referendum items repealing Ordinance No. 7201 and 7223. He stated that the wording could be confusing to the voter and suggested a change to it that would help voters understand it better. Motion was made by Commissioner Scott, seconded by Commissioner Simms, to amend the wording that will appear on the ballot for the referendum items repealing Ordinance No. 7201 and 7223, and the following captioned ordinance be passed on second and final reading:

ORDINANCE NO. 7269

AN ORDINANCE OF THE AMARILLO CITY COMMISSION: ORDERING THE REGULAR MUNICIPAL ELECTION OF THE CITY OF AMARILLO, TEXAS, TO BE CONDUCTED ON THE 14TH DAY OF MAY 2011 IN THE CITY OF AMARILLO, TEXAS; DESIGNATING POLLING PLACES; DESIGNATING THE 11TH DAY OF JUNE, 2011 AS THE RUN-OFF ELECTION DATE; AND ORDERING REFERENDUM PROPOSITIONS BE PLACED ON THE BALLOT AT SAID ELECTION, REGARDING: REPEAL OF CHANGES TO BUSINESS SIGN ORDINANCE, REPEAL OF DOWNTOWN URBAN DESIGN STANDARDS, AND AMENDING THE CITY CHARTER TO REQUIRE SINGLE MEMBER DISTRICT ELECTIONS; AND PROVIDING FOR THE CONDUCT OF SUCH ELECTION.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 5: Mayor McCartt presented a resolution authorizes the submission of an application to the State Comptroller to seek state funds for the purpose of attracting and retaining events in our city. The City of Amarillo, as the host community of the American Quarter Horse Association's Bayer Select event and other qualified events, is eligible to receive a rebate of the lesser of half the sales tax generated by the event or half of the cost of hosting the event. If these funds are received, they could be utilized to provide local incentives to retain, pursue, and enhance those events that would be hosted in Amarillo. If this resolution is approved, a participation agreement would be required for approval as shown on consent agenda Item I. Motion was made by Commissioner Simms, seconded by Commissioner Boyd, that the following captioned resolution be passed:

RESOLUTION NO.03-08-11-1

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF AMARILLO AUTHORIZING THE CITY MANAGER TO SEEK AND DISTRIBUTE STATE FUNDS, PURSUANT TO CHAPTER 398 OF THE LOCAL GOVERNMENT CODE IN COOPERATION WITH THE AMARILLO-POTTER EVENTS VENUE DISTRICT, FOR QUALIFYING EVENTS; PROVIDING SEVERABILITY CLAUSE; PROVIDING SAVINGS CLAUSE AND EFFECTIVE DATE.

Voting AYE were Mayor McCartt, Commissioners Scott, Eades, Boyd and Simms; voting NO were none; the motion carried by a 5:0 vote of the Commission.

ITEM 6: Mayor McCartt advised that appointments are needed for the Comprehensive Plan Implementation Advisory Committee. Johnny Johnson, 708 E. St. Francis, appeared and asked how people were selected for city boards and commissions. Mayor McCartt explained the process and advised him that the City Secretary could provide him information about the boards and commissions. Motion was made by Commissioner Boyd, seconded by Commissioner Eades, and unanimously carried, to appoint Bob Juba, Maury Roman, Bill Chudej, Don Sanders, Eddie Scott, Howard Smith, Wes Knapp, Dana Walton and Leon Church. This Committee shall sunset on December 31, 2014, unless the City Commission should either disband or extend the Committee term on or before that date.

ITEM 7: Mayor McCartt presented the consent agenda and asked if any item should be removed for discussion or separate consideration. Mayor McCartt advised that speakers had signed up to speak on Item 7 (H). Darrell Carey, Canyon, Texas, appeared with three concerns in the contract. He stated concerns with Section 2(c) due to the participation by any company or individual interrelated to another operator already on the rotation list. He commented that this seems unfair. In Section 5(e), he has a concern with the wording "relates to" because there is no reason to investigate if it just relates to an operator. In Exhibit A, the storage fee states "not less than \$5" and Mr. Carey explained that a storage fee does not have to be charged and this wording makes it appear that there is a charge. Mike Pool, Odessa, Texas, appeared and stated that the contract needs to require an operator have two heavy duty tow trucks. He advised that most of the time two trucks are needed to get a heavy duty truck up and

able to tow. David Ferril, 621 E. 10th, appeared and also requested the contract be changed to require two heavy duty tow trucks. Ricky Cantu, 305 S. Williams, appeared and stated that there is not a need for two heavy duty tow trucks. He commented that when there is a need for an additional truck the operator can call one of his competitors to assist with the tow. Commissioner Boyd and Mayor McCartt stated that they did not see a need for two heavy duty tow trucks.

Motion was made by Commissioner Boyd, seconded by Commissioner Eades, and unanimously carried, to Item H, Wrecker Service Rotation Contract, amend the contract in Section 5(e) by striking the language “”becomes the subject of a criminal investigation or” and amend Exhibit A, Storage Fees, to read “Not less than \$5 nor more than \$20.00 per day, if charged”, and approve the consent agenda and authorize the City Manager to execute all documents necessary for each transaction.

A. Purchase – Liquid Aluminum Sulfate:

Low responsive bidder:

General Chemical Performance Products -- \$97,436.80

This is the annual contract to provide liquid aluminum sulfate for use in the water treatment process. This product is used to purify and treat water at the Osage Surface Water Treatment Plant and aids in the removal of suspended particles in the raw water.

B. Purchase – Pre-Coated Aggregate:

Low responsive bidder: RK Hall Construction, LTD -- \$644,815.00

This is the annual purchase of pre-coated B-4 aggregate for use in the summer seal coat program. This purchase is for 14,500 cubic yards of material which will be applied on residential streets to preserve and maintain the integrity of the asphalt.

C. Purchase – Airport Building Furniture:

Award on TxMAS Cooperative Purchasing Contract to:

OM Workspace --\$266,270.49

This is the purchase and installation of furniture to be used in the new Rick Husband Amarillo International Airport Consolidated Concourse, pre-security public areas, the two new conference rooms and the administrative offices. This purchase contemplates that certain existing terminal seating units will be refurbished by the manufacturer and that the additional units will match those currently owned.

D. Purchase – Heavy Equipment:

Award by line item to low responsive bidder as follows:

Associated Supply Company	\$236,297.00
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(Lines 1-3)

Yellowhouse Machinery	<u>\$302,475.00</u>
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(Lines 4, 5)

Total Award \$538,772.00

This is the purchase of heavy equipment for use by various City departments. These items are scheduled replacements for existing units currently in service with the Street Department, Water Distribution Department and the Wastewater Collection Department that have reached or surpassed their scheduled lifespan.

E. Award – Storm Sewer Improvement Project:

Low responsive bidder:

Holmes Construction Company, LP --\$69,410.00

This is the award of a contract to install a new storm sewer system from the Emory Court cul-de-sac to the existing storm sewer on 58th Avenue. This project is necessary to correct the drainage issues around the new Fire Station 12 and to comply with the terms of the purchase agreement for the property.

F. Award – Water Well Motors, Pumps and Cable Annual Contract:

Low responsive bidder: Smith Pump Company

Award: \$600,662.00

Deductive Change Order #1: (\$115,500.00)

Revised Contract Total: \$485,162.00

This is the award of the annual contract to provide new well motors, pumps and electrical cable to ensure that City water wells are available for use throughout the year and that any breakdowns or failures can be repaired with on-hand parts. This award includes six new motors, four pumps and 2,800 feet of submersible electric cable in addition to related small parts. Each of these items will serve as spares and will be used on an as-needed basis throughout the year. The deductive change order removes repair services that would be used on existing units that fail. If these services are necessary, they will be separately bid.

G. Approval – Recycled Asphalt Crushing Contract:

Low responsive bidder: J. Lee Milligan, Inc. -- \$195,000.00

This is the award of a contract to crush asphalt pavement to produce material for use on various projects by the City Street Department. This contract calls for 50,000 tons of material to be crushed for reuse.

H. Approval – Wrecker Service Rotation Contract:

This is the approval of the annual wrecker service rotation contract to provide towing and recovery services for abandoned, impounded, disabled and junked vehicles throughout the City. Under the terms of the contract, local wrecker companies meeting the minimum requirements may join this contract during one open enrollment period each year and are then dispatched on a rotating basis to calls where the owner does not select or prefer a particular towing company.

I. Approval – Participation Agreement:

This is the approval of a participation agreement between the Amarillo Potter Event Venue District, the Amarillo Tri-State Exposition, the Amarillo Chamber of Commerce, the American Quarter Horse Association and the City of Amarillo. The purpose of the participation agreement is to secure eligibility for the possible rebate of the state portion of the sales tax attributable to major events held in Amarillo. Funds received from any state sales tax rebate will be used to create a funding mechanism for the promotion of events at the Amarillo National Center. This agreement relates to the resolution in Item 4 above.

J. Approval – Groundwater Rights Assessment Professional Services Contract:

Award to: Daniel B. Stephens & Associates -- \$349,520.00

This is the award of a contract to conduct additional groundwater rights evaluations on a portion of the current City owned rights in Hartley County. This assessment is designed to further refine the available information on the northern area of the water rights and will include updated information based on changed conditions in the area.

Mayor McCartt announced that this is the end of the regular agenda, but time is reserved to hear any citizen concerning matters pertaining to City policies, programs or services. The Texas Open Meetings law sets out the responses that can be made by the City Commission during the Public Forum. The responses are to provide a policy or state a fact that may address or answer the concern, direct the person to contact the City Manager or other City staff or consider placing the topic on a future meeting agenda for full discussion. In order to speak at this time an Appearance Registration form is to be completed and submitted to the City Secretary prior to the meeting.

No one from the audience requested to appear before the City Commission. Mayor McCartt stated that the meeting was adjourned and the City Commission would return to the Closed Session.

ATTEST:

Donna DeRight, City Secretary

Debra McCartt, Mayor